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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,496	08/19/2003	Jerome A. Cohen	6842-02-1	5471

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EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/643,496

Applicant(s)

COHEN, JEROME A.

Examiner

M. Safavi

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Drawings***

The proposed drawing corrections filed May 25, 2005 are approved.

New corrected drawings in compliance with 37 CFR 1.84 are required in this application because: see NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW submitted with the Office action of March 21, 2005.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyman '807 in view of Wegman '351.**

Nyman discloses first and second connecting members 1a, 1b, each defining at least one joining portion 5 with each of said first and second connecting members being coupable to an end of a foundation form 14 so that when said forms are operably positioned adjacent to one another said joining portions defined by each of said connecting members interlock with one another. Each joining portion defines a shaped passage extending there through with the shaped passage being substantially coaxial with one another when said first and second connecting members are operably positioned. An elongated coupling member 6 defining an exterior shape complimentary to a shape defined by said shaped passages is slidably received in said shaped

passages thereby rotatably and releasably joining said first and second connecting members and thereby said foundation forms together. Attaching means in the form of apertures is at 7.

Nyman does not specifically call for a T-shaped slot to allow attachment of a form board to the surface of the connecting members via a fastener installed in the form board. However, Wegman '351, as at Figs. 1 and 6, teaches utilization of a T-shaped slot within a side surface of the respective connecting members to allow for maneuverable attachment of the respective connecting member, or hinge, to a respectively attached board or panel.

Therefore, to have provided the side surfaces 2, 3 of Nyman with T-shaped slots in place of openings 7, thus allowing a maneuverable attachment of the Nyman hinge to a form board, (particularly a board possessing a preinstalled fastener), would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Wegman '351.

**Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmaltz '220 in view of Wegman '351.**

Schmaltz discloses first and second connecting members 12, 14 each defining at least one joining portion 22, 24 with each of said first and second connecting members being coupable to an end of a foundation form 16 so that when said forms are operably positioned adjacent to one another said joining portions defined by each of said connecting members interlock with one another. Each joining portion defines a shaped

passage 15 extending there through with the shaped passage being substantially coaxial with one another when said first and second connecting members are operably positioned. An elongated coupling member 25 defining an exterior shape complimentary to a shape defined by said shaped passages is slidably received in said shaped passages thereby rotatably and releasably joining said first and second connecting members and thereby said foundation forms together. Attaching means in the form of apertures can be seen in Figs. 1-3.

Schmaltz does not specifically call for a T-shaped slot to allow attachment of a form board to the surface of the connecting members via a fastener installed in the form board. However, Wegman '351 teaches utilization of a T-shaped slot within a side surface of the respective connecting members to allow for maneuverable attachment of the respective connecting member, or hinge, to a respectively attached board or panel.

Therefore, to have provided the side surfaces 26, 28 of Schmaltz with T-shaped slots in place of the apertures shown in Figs. 1-3, thus allowing a maneuverable attachment of the Schmaltz hinge to a form board, (particularly a board possessing a preinstalled fastener), would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Wegman '351.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.



**MICHAEL SAFAVI**  
**PRIMARY EXAMINER**  
**ART UNIT 364**

M. Safavi  
February 15, 2005